

REMARKS

Applicant has studied the Final Office Action dated October 6, 2008. No claims have been amended. Claims 1-15 are pending. Claims 1 and 11 are independent claims.

It is submitted that the application is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§ 102 Rejections

Claims 1-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Knudson et al. ("Knudson" U.S. Pub. No. 2005/0273819). Applicant respectfully disagrees with the Examiner's interpretation of Knudson and respectfully traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

It is respectfully noted that independent claims 1 and 11 recite correcting a scheduled recording time of a broadcasting program according to time correction data corresponding to a time difference between channels. It is further respectfully noted that the Examiner, at page 3 of the Office Action, asserts that Knudson teaches "corresponding to a time difference between the first channel and the second channel" at paragraph 0082. Applicant respectfully disagrees with the Examiner's interpretation of paragraph 0082 of Knudson.

It is respectfully noted that paragraph 0082 of Knudson discloses that a user may decide to "resolve the conflict" or may choose to "choose among the conflicting programs." It is further respectfully noted that paragraph 0081 of Knudson, which refers to FIG. 13, discloses that the "conflict" to which paragraph 0082 refers is the result of the

user “requested reminders for programs X, Y, and Z” where “program Y is scheduled to air on the same day and time (i.e., May 3, 1997 at 8:00 PM) as program X.”

Therefore, it is respectfully submitted that Knudson discloses a conflict between two channels each having programs with a scheduled recording time that is exactly the same and, therefore, there is no time difference between the conflicting programs on the channels disclosed in Knudson. It is further respectfully submitted that Knudson cannot be asserted as disclosing a time difference between channels, as recited in independent claims 1 and 11.

It is respectfully noted that the Examiner, at pages 3-4 of the Office Action, asserts that paragraphs 0081 and 0082 of Knudson disclose calculating the time correction data, as recited in claim 2 as well as the further recitations in claims 3, 4, 6 and 7 related to the calculation recited in claim 2. It is respectfully submitted that Knudson, which fails to disclose a time difference between channels, cannot be asserted as disclosing calculations related to a time difference between channels.

It is respectfully asserted that independent claims 1 and 11 are allowable over the cited reference. It is further respectfully asserted that claims 2-4, 6 and 7 are also allowable over the cited reference by virtue of the limitations recited therein as well as by virtue of their dependence from allowable independent claim 1 and claims 5, 8-10 and 12-15 also are allowable over the cited reference at least by virtue of their dependence from an allowable independent claim.

CONCLUSION

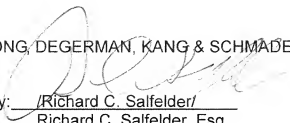
In view of the above remarks, Applicant submits that claims 1-15 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

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